

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

In re the Matter of J.P. and E.P:

ARNAUD PARIS,

Civ. No. 1:24-cv-00648-AA

Petitioner,

OPINION & ORDER

v.

HEIDI MARIE BROWN,

Respondent.

AIKEN, District Judge.

This case comes before the Court on Petitioner's renewed Emergency Motion for Order of Alternative Service. ECF No. 11. The Court denied Petitioner's previous motions for alternative service, ECF Nos. 5, 9, with leave to renew in fourteen days if, after diligent efforts, Petitioner was unable to serve Respondent by ordinary means. In the renewed motion, Petitioner asserts that he has been unable to serve Respondent and seeks leave to either serve Respondent by email or to have service completed by the U.S. Marshals Service. For the reasons set forth below, the Motion is GRANTED and the Court authorizes Petitioner to serve Respondent by email.

The Federal Rules of Civil Procedure authorize four methods of service on an individual:

- (1) Following the state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made; or
- (2) Doing any of the following:
 - (A) Delivering a copy of the summons and the complaint to the individual personally;
 - (B) Leaving a copy of each at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there; or
 - (C) Delivering a copy of each to an agent authorized by appointment or by law to receive service of process.

Fed. R. Civ. P. 4(e).

Under state law, the Oregon Rules of Civil Procedure provide that:

Summons shall be served, either within or without this state, in any manner reasonably calculated, under all the circumstances, to apprise the defendant of the existence and pendency of the action and to afford a reasonable opportunity to appear and defend . . . Service may be made, subject to the restrictions and requirements of this rule, by the following methods: personal service of true copies of the summons and the complaint upon defendant or an agent of defendant authorized to receive process; substituted service by leaving true copies of the summons and the complaint at the person's dwelling house or usual place of abode; office service by leaving true copies of the summons and the complaint with a person who is apparently in charge of an office; service by mail; or service by publication.

Or. R. Civ. P. 7(D)(1).

Oregon law provides for alternative service “when it appears that service is not possible under any method otherwise specified in these rules or other rule or statute.”

Or. R. Civ. P. 7(D)(6). Such alternatives include service by email. Or. R. Civ. P. 7(D)(6)(b).

Here, Petitioner has provided evidence of repeated efforts to serve Respondent, which were unsuccessful. Petitioner has submitted evidence showing that he has been in contact with Respondent via email and so the Court concludes that service by email is reasonably calculated to apprise Respondent of the pendency of this action. The Court will therefore GRANT leave for alternative service upon Respondent by email at the email address heidimparis@gmail.com. However, as Petitioner is pro se, the Court will caution him that, as a party to this action, he is not permitted to be the one to serve Respondent with the summons and complaint. *See* Fed. R. Civ. P. 4(c)(2) (“Any person who is at least 18 years old *and not a party* may serve a summons and complaint.” (emphasis added)).

It is so ORDERED and DATED this 6th day of May 2024.

/s/Ann Aiken
ANN AIKEN
United States District Judge